

**Howard Walter Herz
P.O. Box 1000
Minden, Nevada 89423**

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FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2008 OCT 21 P 12:45

**Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463**

MUR # 6101

October 10, 2008

To Whom It May Concern:

As a citizen of the United States and a concerned voter for more than 40 years, I believe that the foundation of our Republic rests on the ability of our citizens to exercise their voting rights in fair and honest elections. I avidly support the reforms that have brought fairness and honesty to our electoral system and I believe that it is my duty to report potential violations of Federal Election Law to the Federal Election Commission. I am submitting this complaint to report what I believe is an ongoing violation of the Federal Election Commission regulations concerning the campaign finances of Congressman Dean Heller's principal campaign committee Heller for Congress (C00410837).

I believe the corporation known as November, Inc., owned by Michael and Lindsay Slanker, is extending corporate credit to Heller for Congress in violation of FEC regulations. This is a clear attempt to circumvent the FEC's prohibition on corporate contributions to federal campaigns and is, in my opinion, entirely unethical. I am deeply concerned that the extension of credits without interest for in excess of two years is in fact a campaign donation.

The basis for my complaint is as follows:

- Heller for Congress has held over \$330,000 in credit for up to 21 months. This is debt defined as credit per 11 CFR Sec. 116.1.e.
- Over \$273,000 of this credit is being extended to Heller for Congress by November, Inc. and related corporations Autumn Productions, Foundations, Inc. and NI Operations. I believe these entities to be related for the following reasons:
 - In the reports for the Heller for Congress Committee, November, Inc. is listed as having the following address: 900 S Pavillion Center Blvd #150, Las Vegas, NV 89144.
 - In the reports for the Heller for Congress Committee, Foundations, Inc., Autumn Productions, and NI Operations all share the following address: PO Box 27972, Las Vegas, NV 89126
 - In his Oct. 2007 F3A October Quarterly Report, Dean Heller's fellow

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Nevada Congressman John Porter's principal also lists an expenditure to Autumn Productions, citing the company contact address as: 900 S Pavillion Center Dr #150, Las Vegas, NV 89144, the same address that the Heller for Congress campaign finance reports use for November, Inc.

- Of these four businesses, only November, Inc. is a registered business entity with the state of Nevada (<http://www.nvsoa.gov/business>).
 - These facts leads me to believe that November, Inc., Foundations, Inc., Autumn Productions, and NI Operations are one and the same entity, all likely organized under the parent company November, Inc.
- **FEC Regulations prohibit corporations from extending credit to campaigns if that credit is not extended under (a) the normal course of business; and (b) is not substantially similar to credit extended to similar non-political clients.**
 - **Ordinary course of business is determined by the FEC by considering:**
 - The vendor's established procedure and past practices;
 - Whether the vendor in the past received prompt payment in full for services rendered;
 - Whether the extension of credit conformed to the usual and normal practice in the commercial vendor's trade or industry;
 - **By this definition, the credit extended to Heller for Congress is outside the normal course of business on at least 2 criteria:**
 - Heller for Congress paid November Inc. regularly and promptly for services rendered during both the course of his 2006 campaign and has continued to pay for newly invoiced services during the course of the 2007-2008 campaign cycle;
 - It is my belief that it is well outside the usual and normal practice of the political consulting industry to allow debts owed by private sector clients to go unpaid for periods approaching 2 years interest-free and/or without collection or legal action. Political clients are notorious for non-payment of debts and it is highly unusual for vendors to allow debts to go unpaid for any length of time; in fact, most demand payment at the time of service, often by wire transfer.
 - **Furthermore, for the same reason as above, I believe it to be highly suspect that this credit is substantially similar to credit extended to similar non-political clients held by November, Inc. It is difficult to imagine that it is the typical practice of a small, regional consulting firm such as November, Inc. to lend sums in excess of \$250,000 interest free for periods of over a year to non-political clients.**

Given the evidence discussed, all fully available on the FEC's own disclosure database website, I believe the activities of Heller for Congress in relation to the credit extended by November, Inc. and its subsidiaries warrant a full investigation by the FEC's enforcement division and, if Heller for Congress is found to be in violation, the committee should be held accountable.

Thank you for your consideration.

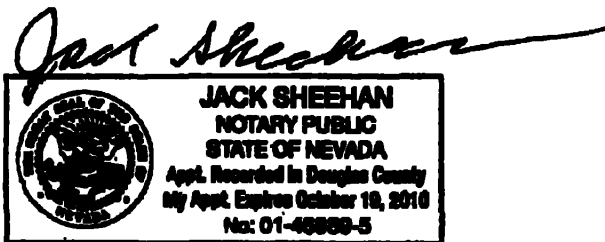
Sincerely,

Howard Walter Herz

Howard Walter Herz
P.O. Box 1000
Minden, NV 89423

I, Howard Walter Herz, complainant under penalty of perjury, do swear that the contents of this complaint are true to the best of my knowledge and I have subscribed and sworn to the undersigned notary on this 20th day of October, 2008.

The above complaint was subscribed and sworn to before me on this 20 day of October, 2008.



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